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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION VERSUS A PENDING SECOND APPLICATION

Docket Number (Optional)

2024.17

In re Application of: Lowrey et al

Application No.: 09/276,273

Filed: March 25, 1999

For: ELECTRICALLY PROGRAMMABLE MEMORY ELEMENT WITH IMPROVED CONTACTS

The owner, Ovonyx, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/813,267 filed on 03/20/01, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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TECHNOLOGY Center 2800



Signature

Sept 9, 2003

Date

Philip H. Schlazer

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